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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 EDGAR ZAVALA, ) CASE NO. SA CV 12-1002-DSF (PJW)  
11 )  
12 Petitioner, ) ORDER TO SHOW CAUSE WHY PETITION  
13 ) SHOULD NOT BE DISMISSED  
14 v. )  
15 RALPH DIAZ, WARDEN, )  
Respondent. )

16 On June 14, 2012, Petitioner constructively filed a Petition for  
17 Writ of Habeas Corpus, seeking to challenge his December 2004 state  
18 convictions for lewd and lascivious acts on a minor. (Petition at 2;  
19 *People v. Zavala*, 2006 WL 650048 (Cal. App. Mar. 15, 2006).) In the  
20 Petition, he claims that the complaining witness's refusal to answer  
21 questions violated his Sixth Amendment right to confrontation, trial  
22 counsel provided ineffective assistance by failing to object to the  
23 introduction of the witness's prior testimony, and appellate counsel  
24 provided ineffective assistance by failing to raise the confrontation  
25 clause claim on appeal. (Petition at 5-6.) For the following  
26 reasons, Petitioner is ordered to show cause why his Petition should  
27 not be dismissed because it is time-barred.  
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1 State prisoners seeking to challenge their state convictions in  
2 federal habeas corpus proceedings are subject to a one-year statute of  
3 limitations. 28 U.S.C. § 2244(d). Petitioner did not seek review of  
4 the California Court of Appeal's decision affirming his conviction.  
5 Thus, his conviction became final on April 24, 2006--40 days after  
6 that decision. See *Waldrip v. Hall*, 548 F.3d 729, 735 (9th Cir.  
7 2008). Therefore, the statute of limitations expired one year later,  
8 on April 24, 2007. See *Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th  
9 Cir. 2001). Petitioner, however, did not file this Petition until  
10 June 14, 2012, more than five years after the deadline.

11 IT IS THEREFORE ORDERED that, no later than **July 25, 2012**,  
12 Petitioner shall inform the Court in writing why this case should not  
13 be dismissed with prejudice because it is barred by the statute of  
14 limitations. Failure to timely file a response will result in a  
15 recommendation that this case be dismissed.

16 DATED: June 25, 2012

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20 PATRICK J. WALSH  
21 UNITED STATES MAGISTRATE JUDGE  
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